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# LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

## Letter dated 10 August 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the Secretary-General of the United Nations

- Reiterating our already expressed intention, as a Member State of the United Nations and of the Conference on Security and Cooperation in Europe, to respect in their entirety all universal and regional systems protecting human rights,

- having in view the fact that the United Nations Security Council has already, in its resolution 752 (1992) condemned the aggression against Bosnia and Herzegovina in accordance with Chapter VII of the Charter of the United Nations,

- expressing our readiness to fulfil all the obligations we have undertaken in signing the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to this Convention of 1977,

- bearing in mind the evidence presented by governmental and non-governmental organizations, surviving witnesses, and local and foreign journalists concerning the drastic violations of international humanitarian laws as relating especially to civilians on the territory of the Republic of Bosnia and Herzegovina,

- and expressing our desire that justice should be satisfied and that conditions should be created for the continued existence and common life of all citizens of the Republic of Bosnia and Herzegovina on a multi-national, multi-confessional and multi-cultural basis,

We, the Presidency and Government of the Republic of Bosnia and Herzegovina, propose:

1. That an unprejudiced and independent legal body be created having the function of an international court [which] should work under the patronage of the United Nations and as an ad hoc organ of the London Conference on Yugoslavia.

2. That the creation of this court should utilize the experience of the work done by the International Military Tribunal at Nürnberg, that is, the Nürnberg precedent in international law.

3. That within the competence of this court should be included crimes against peace, crimes against humanity, war crimes and the crime of genocide.

4. That the legal basis for the work of this court should be all relevant acts connected with the international protection of human rights and rights in time of war of both a universal and a regional character, and in particular:

(a) The Nürnberg principles which, as opinio juris, were confirmed by the international community in General Assembly resolutions 3 (I) and 95 (I) of 13 February and 11 December 1946;

(b) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to this Convention of 1977;

(c) The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968;

(d) The Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

5. That in determining the severity and type of sanctions applied to war crimes, the court take into account the provisions of the Criminal Law of the Republic of Bosnia and Herzegovina which concern violations of international law.

6. That the composition of this court include distinguished experts in international law who are specialized in such matters, but none of whom are citizens of any of the States that have come into being as a result of the disintegration of former Yugoslavia, so that the lack of prejudice and the independence of the court may be guaranteed.

7. That the procedures and organization of the court be based on the principles of ad hoc arbitration, respecting at the same time in the course of its work all guarantees confirmed by international law.

8. That international humanitarian organizations - in the first place the International Committee of the Red Cross and the United Nations High Commissioner for Refugees as well as other international and Bosnian and Herzegovina governmental and non-governmental organizations which concern themselves with problems of human rights - should be directly included in the preparatory work of the court.

(Signed) Alija Izetbegovic
President

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